

Adopted	Rejected
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COMMITTEE REPORT

YES:	12
NO:	0

MR. SPEAKER:

Your Committee on **Elections and Apportionment**, to which was referred Senate Bill 14, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:

- 1 Page 1, delete lines 1 through 17, begin a new paragraph and insert:
- 2 "SECTION 1. IC 3-11-8-11, AS AMENDED BY P.L.221-2005,
- 3 SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2009]: Sec. 11. (a) When the ~~hour~~ **time** for closing the polls
- 5 occurs, the precinct election board shall permit all ~~voters who~~ **the**
- 6 **following to vote:**
- 7 (1) **Voters who** have passed the challengers and who are waiting
- 8 to announce their names to the poll clerks for the purpose of
- 9 signing the poll list.
- 10 (2) **Voters who** have signed the poll list but who have not voted.
- 11 **or**
- 12 (3) **Voters who** are in the act of voting.
- 13 ~~to vote. In addition,~~
- 14 **(4) Voters described in subsection (b).**
- 15 **(b) At the close of the polls,** the inspector shall require all voters
- 16 who have not yet passed the challengers to line up in single file. ~~within~~

the chute. The poll clerk's inspector shall record the names of the voters in the chute and these do the following:

(1) Determine who the last voter is in the line. The inspector may not determine that a voter is not in line only because the voter is located outside the building in which voting is occurring.

(2) Beginning with the last voter in line, give each voter in the line an object determined by the county election board to signify that the voter was in line at the close of the polls.

These voters may vote unless otherwise prevented according to law.

~~(b)~~ (c) This subsection applies if a court order (or other order) has been issued to extend the hours that the polls are open under section 8 of this chapter. As provided in 42 U.S.C. 15482, the inspector shall identify the voters who would not otherwise be eligible to vote after the closing of the polls under subsection (a) and shall provide a provisional ballot to the voters in accordance with IC 3-11.7.

SECTION 2. IC 3-11-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. This chapter applies to:

(1) each precinct; and ~~to~~

(2) absentee voting, **including the casting of an absentee ballot before an absentee voter board:**

(A) in the office of the:

(i) circuit court clerk; or

(ii) board of elections and registration in a county subject to IC 3-6-5.2 or IC 3-6-5.4; or

(B) at a satellite office established under IC 3-11-10-26.3.

SECTION 3. IC 3-11-10-12, AS AMENDED BY P.L.164-2006, SECTION 106, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) **Except as provided in section 12.5 of this chapter**, each county election board shall have all absentee ballots delivered to the precinct election boards at their respective polls on election day.

(b) The absentee ballots shall be delivered during the hours that the polls are open and in sufficient time to enable the precinct election boards to vote the ballots during the time the polls are open.

(c) Along with the absentee ballots delivered to the precinct election boards under subsection (a), each county election board shall provide a list certified by the circuit court clerk. This list must state the name

1 of each voter subject to IC 3-7-33-4.5 who:

2 (1) filed the documentation required by IC 3-7-33-4.5 with the
3 county voter registration office after the printing of the certified
4 list under IC 3-7-29 or the poll list under IC 3-11-3; and

5 (2) as a result, is entitled to have the voter's absentee ballot
6 counted if the ballot otherwise complies with this title.

7 (d) If the county election board is notified not later than 3 p.m. on
8 election day by the county voter registration office that a voter subject
9 to IC 3-7-33-4.5 and not identified in the list certified under subsection
10 (c) has filed documentation with the office that complies with
11 IC 3-7-33-4.5, the county election board shall transmit a supplemental
12 certified list to the appropriate precinct election board. If the board
13 determines that the supplemental list may not be received before the
14 closing of the polls, the board shall:

15 (1) attempt to contact the precinct election board to inform the
16 board regarding the content of the supplemental list; and

17 (2) file a copy of the supplemental list for that precinct as part of
18 the permanent records of the board.

19 (e) This subsection applies to a special write-in absentee ballot
20 described in:

21 (1) 42 U.S.C. 1973ff for federal offices; and

22 (2) IC 3-11-4-12(a) for state offices.

23 If the county election board receives both a special write-in absentee
24 ballot and the regular absentee ballot described by IC 3-11-4-12 from
25 the same voter, the county election board shall reject the special
26 write-in ballot and deliver only the regular absentee ballot to the
27 precinct election board.

28 SECTION 4. IC 3-11-10-12.5 IS ADDED TO THE INDIANA
29 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
30 [EFFECTIVE JULY 1, 2009]: **Sec. 12.5. (a) This section applies to**
31 **absentee ballots cast:**

32 **(1) under section 26 or 26.3 of this chapter; and**

33 **(2) on a direct record electronic voting system.**

34 **(b) Notwithstanding section 12 of this chapter, a county election**
35 **board is not required to deliver absentee ballots described in**
36 **subsection (a) to the precincts for counting.**

37 **(c) A county election board acting under this section:**

38 **(1) may count all absentee ballots described in subsection (a)**

1 **at a central location; and**

2 **(2) shall adjust the vote totals for each precinct based on the**
 3 **count of absentee ballots under subdivision (1).**

4 **(d) This section does not require a county election board to**
 5 **count absentee ballots not described in subsection (a) at a central**
 6 **location under this section or IC 3-11.5.**

7 SECTION 5. IC 3-11-10-26, AS AMENDED BY P.L.164-2006,
 8 SECTION 109, IS AMENDED TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2009]: Sec. 26. (a) As an alternative to voting
 10 by mail, a voter is entitled to cast an absentee ballot before an absentee
 11 voter board:

12 (1) in the office of the circuit court clerk (or board of elections
 13 and registration in a county subject to IC 3-6-5.2); or

14 (2) at a satellite office established under section 26.3 of this
 15 chapter.

16 (b) The voter must:

17 (1) sign an application on the form prescribed by the commission
 18 under IC 3-11-4-5.1; and

19 (2) provide proof of identification;

20 before being permitted to vote. **Except as provided in subsection (k),**
 21 the application must be received by the circuit court clerk not later than
 22 the time prescribed by IC 3-11-4-3.

23 (c) **Subject to subsection (k),** the voter may vote before the board
 24 not more than twenty-nine (29) days nor later than noon on the day
 25 before election day.

26 (d) **Subject to subsection (k),** an absent uniformed services voter
 27 who is eligible to vote by absentee ballot in the circuit court clerk's
 28 office under IC 3-7-36-14 may vote before the board not earlier than
 29 twenty-nine (29) days before the election and not later than noon on
 30 election day. If a voter described by this subsection wishes to cast an
 31 absentee ballot during the period beginning at noon on the day before
 32 election day and ending at noon on election day, the county election
 33 board or absentee voter board may receive and process the ballot at a
 34 location designated by resolution of the county election board.

35 (e) The absentee voter board in the office of the circuit court clerk
 36 must permit voters to cast absentee ballots under this section for at
 37 least seven (7) hours on each of the two (2) Saturdays preceding
 38 election day. **The office of the circuit court clerk may not close on**

a day designated for casting absentee ballots in the clerk's office before the time on that day designated for casting absentee ballots in the clerk's office to end.

(f) Notwithstanding subsection (e), in a county with a population of less than twenty thousand (20,000), the absentee voter board in the office of the circuit court clerk, with the approval of the county election board, may reduce the number of hours available to cast absentee ballots under this section to a minimum of four (4) hours on each of the two (2) Saturdays preceding election day.

(g) As provided by 42 U.S.C. 15481, a voter casting an absentee ballot under this section must be:

- (1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;
- (2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and
- (3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

(h) As provided by 42 U.S.C. 15481, when an absentee ballot is provided under this section, the board must also provide the voter with:

- (1) information concerning the effect of casting multiple votes for an office; and
- (2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

(i) If:

- (1) the voter is unable or declines to present the proof of identification; or
- (2) a member of the board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

the voter shall be permitted to cast an absentee ballot and the voter's absentee ballot shall be treated as a provisional ballot.

(j) A voter casting an absentee ballot under this section is entitled to receive assistance in casting the voter's ballot in accordance with IC 3-11-9.

(k) Notwithstanding subsection (c) or (d), when the time arrives that has been designated as the time at which voting under this section ends, the absentee voter board shall do the following:

(1) Permit all voters who:

(A) are in the act of voting; or

(B) have begun the procedure for casting an absentee ballot under this section but who have not voted;

to vote.

(2) Require all voters who are waiting to vote but have not begun the procedure for casting an absentee ballot under this section to line up in single file. One (1) member of the board shall do the following:

(A) Determine who the last voter is in the line. The board member may not determine that a voter is not in line only because the voter is located outside the building in which voting is occurring.

(B) Beginning with the last voter in line, give each voter in the line an object determined by the county election board to signify that the voter was in line at the close of the polls.

These voters may vote under this section unless otherwise prevented according to law.

(l) All locations where a voter is entitled to vote under this section must comply with the polling place accessibility requirements of IC 3-11-8. However, if the office of the circuit court clerk is unable to comply with this subsection even by implementing temporary measures under IC 3-11-8-1.2(c), the office of the circuit court clerk is not required to comply with this subsection before January 1, 2019."

Delete page 2.

Page 3, delete lines 1 through 6.

Page 3, line 17, after "offices." insert "A satellite office may not close on a day designated for casting absentee ballots at the satellite office before the time on that day designated for casting absentee ballots at the satellite office to end."

Page 3, between lines 23 and 24, begin a new paragraph and insert:

"(f) A voter at a satellite office is entitled to receive assistance in casting the voter's ballot in accordance with IC 3-11-9.

(g) Notwithstanding a resolution adopted under this section,

1 when the time arrives that has been designated as the time at which
2 voting under this section ends, the absentee voter board shall do
3 the following:

4 (1) Permit all voters who:

5 (A) are in the act of voting; or

6 (B) have begun the procedure for casting an absentee
7 ballot under this section but who have not voted;

8 to vote.

9 (2) Require all voters who are waiting to vote but have not
10 begun the procedure for casting an absentee ballot under this
11 section to line up in single file. One (1) member of the board
12 shall do the following:

13 (A) Determine who the last voter is in the line. The board
14 member may not determine that a voter is not in line only
15 because the voter is located outside the building in which
16 voting is occurring.

17 (B) Beginning with the last voter in line, give each voter in
18 the line an object determined by the county election board
19 to signify that the voter was in line at the close of the polls.

20 These voters may vote under this section unless otherwise

- 1 **prevented according to law."**
- 2 Page 3, line 24, delete "(f)" and insert "**(h)**".
- 3 Renumber all SECTIONS consecutively.
(Reference is to SB 14 as printed January 28, 2009.)

and when so amended that said bill do pass.

Representative Battles